

ESTTA Tracking number: **ESTTA34893**

Filing date: **06/06/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Bose Corporation
Granted to Date of previous extension	06/11/2005
Address	The Mountain Framingham, MA 01701-9168 UNITED STATES

Attorney information	Cynthia Johnson Walden, Charles Hieken Fish & Richardson P.C. 225 Franklin Street Boston, MA 02110-2804 UNITED STATES tmdocbos@fr.com, smolinsky@fr.com Phone:617-542-5070
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Applicant Information

Application No	78413775	Publication date	04/12/2005
Opposition Filing Date	06/06/2005	Opposition Period Ends	06/11/2005
Applicant	GoldWave Incorporated P.O. Box 51 St. John's, Newfoundland, A1C 5H5		

	CANADA
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Goods/Services Affected by Opposition

<p>Class 009. First Use: 19930501First Use In Commerce: 19930501 All goods and services in the class are opposed, namely: Computer software for audio editing</p>
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Attachments	<p>Notice of Opposition GOLDWAVE.pdf (4 pages) 1633789.pdf (2 pages) 1764183.pdf (2 pages) 1338751.pdf (2 pages) 2493186.pdf (2 pages) 2552385.pdf (2 pages)</p>
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Signature	/cynthia johnson walden/
Name	Cynthia Johnson Walden, Charles Hieken
Date	06/06/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 78/413,775
For the Mark GOLDWAVE
Published in the Official Gazette on April 12, 2005

Bose Corporation,

Opposer,

v.

GoldWave Incorporated

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Bose Corporation, The Mountain, Framingham, Massachusetts, 01701-9168, a corporation duly organized and existing under the laws of the State of Delaware, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer uses and/or has used, since long prior to May 1, 1993, the registered trademarks WAVE, ACOUSTIC WAVE, WAVESYNC, and WAVE/PC on one or more of radios, clock radios, audio tape recorders and players, portable radio and cassette recorder combinations, compact stereo systems and portable compact disc players; loudspeaker systems and music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and audio tape cassette player; radio controllers, namely, controllers for remotely establishing predetermined settings in radios in rooms having occupants frequently changed, such as hotel rooms, sold through channels including those selling to renters of such

rooms, such as hotels for the purpose of clearing settings in radios set by occupants who have vacated the rooms; sound reproducing system comprised of a radio, electronic interface for coupling the radio to a computer, and computer software for controlling the signal transmission between the radio and the computer.

2. Opposer is the owner of the following U.S. Trademark Registrations:

Reg. No. 1,633,789, issued February 5, 1991, for the mark WAVE in connection with radios, clock radios, audio tape recorders and players, portable radio and cassette recorder combinations, compact stereo systems and portable compact disc players;

Reg. No. 1,764,183 issued April 13, 1993, for the mark ACOUSTIC WAVE in connection with loudspeaker systems and music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and audio tape cassette player;

Reg. No. 1,338,571 issued May 28, 1985, for the mark ACOUSTIC WAVE in connection with loudspeaker systems;

Reg. No. 2,493,186 issued September 25, 2001, for the mark WAVESYNC in connection with radio controllers, namely, controllers for remotely establishing predetermined settings in radios in rooms having occupants frequently changed, such as hotel rooms, sold through channels including those selling to renters of such rooms, such as hotels for the purpose of clearing settings in radios set by occupants who have vacated the rooms; and

Reg. No. 2,552,385 issued on March 26, 2002, for the mark WAVE/PC in connection with sound reproducing system comprised of a radio, electronic interface for coupling the radio to a computer, and computer software for controlling the signal transmission between the radio and the computer.

These registrations are valid and subsisting and in full force and effect as evidenced by the attached certified copies.

3. Opposer accordingly owns valuable goodwill in its marks WAVE, ACOUSTIC WAVE, WAVESYNC, and WAVE/PC.

4. Applicant, GoldWave Incorporated, filed Application Serial No. 78/413,775 on May 5, 2004, for the mark GOLDWAVE for "Computer software for audio editing" in International Class 9, on the basis of use in commerce of May 1, 1993. Said application was published in the Official Gazette of April 12, 2005.

5. Applicant's GOLDWAVE mark, as applied to "Computer software for audio editing" so resembles the previously used and registered WAVE, ACOUSTIC WAVE, WAVESYNC, and WAVE/PC marks of Opposer, as used in connection with Opposer's goods, as to be likely to cause confusion or cause mistake, or to deceive.

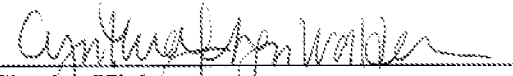
6. Based upon the foregoing, the registration of the mark depicted in Application Serial No. 78/413,775 on the Principal Register of the United States Patent and Trademark Office will cause injury and damage to Opposer.

WHEREFORE, Opposer requests that registration of Applicant's mark GOLDWAVE, Application Serial No. 78/413,775, be denied.

Please charge Deposit Order Account 06-1050, Order No. 02103-008001.013.

Respectfully submitted,

Date: June 6, 2005


Charles Hieken

Cynthia Johnson Walden

Amy L. Brosius

Fish & Richardson P.C.

225 Franklin Street

Boston, MA 02110-2804

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

Attorneys for Opposer,
BOSE CORPORATION

Copies of Opposer's Trademark Reg. Nos.:

1,633,789

1,764,183

1,338,571

2,493,186

2,552,385

21100189.doc

Int. Cl.: 9

Prior U.S. Cls.: 21 and 36

United States Patent and Trademark Office

Reg. No. 1,633,789

Registered Feb. 5, 1991

TRADEMARK
PRINCIPAL REGISTER

WAVE

THOMSON CONSUMER ELECTRONICS, INC.
(DELAWARE CORPORATION)
600 N. SHERMAN DRIVE
INDIANAPOLIS, IN 46201

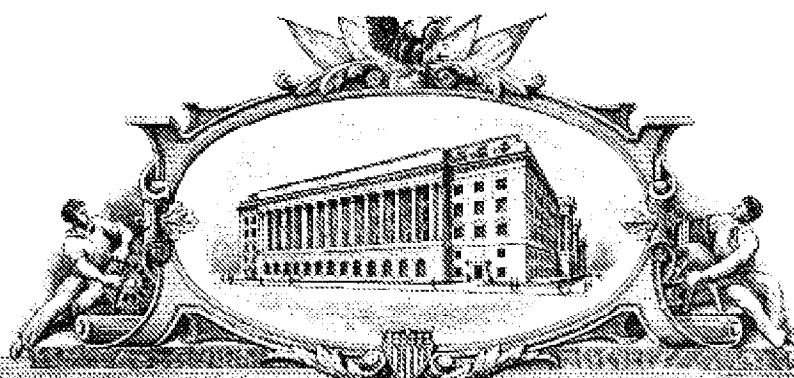
FOR: TELEVISION RECEIVERS, VIDEO
CASSETTE RECORDERS, VIDEO CASSETTE
PLAYERS, CAMCORDERS, RADIOS, CLOCK
RADIOS, AUDIO TAPE RECORDERS AND
PLAYERS, PORTABLE RADIO AND CAS-

SETTE RECORDER COMBINATIONS, COM-
PACT STEREO SYSTEMS AND PORTABLE
COMPACT DISC PLAYERS, IN CLASS 9 (U.S.
CLS. 21 AND 36).

FIRST USE 9-25-1989; IN COMMERCE
9-25-1989.

SER. NO. 73-839,246, FILED 10-19-1989.

J. TINGLEY, EXAMINING ATTORNEY



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 14, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,633,789 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *February 05, 1991*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *February 05, 2001*

SECTION 8 & 15

LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

BOSE CORPORATION

A DELAWARE CORPORATION

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



P. SWAIN
Certifying Officer

Int. Cl.: 9

Prior U.S. Cls.: 21, 26 and 36

United States Patent and Trademark Office

Reg. No. 1,764,183

Registered Apr. 13, 1993

TRADEMARK
PRINCIPAL REGISTER

ACOUSTIC WAVE

HOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 017019168

FOR: LOUDSPEAKER SYSTEMS AND
MUSIC SYSTEMS CONSISTING OF A LOUD-
SPEAKER SYSTEM AND AMPLIFIER AND AT
LEAST ONE OF A RADIO TUNER, COMPACT
DISC PLAYER AND AUDIO TAPE CASSETTE
PLAYER. IN CLASS 9 (U.S. CLS. 21, 26 AND 36).

FIRST USE 2-1-1984; IN COMMERCE
2-1-1984.

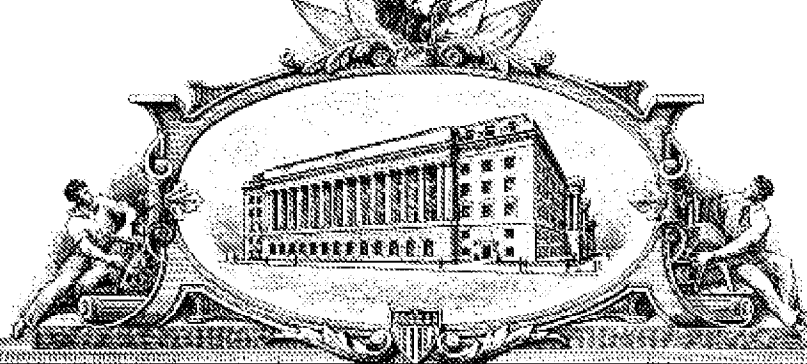
OWNER OF U.S. REG. NOS. 1,138,571 AND
1,633,789.

SEC. 2(F).

SER. NO. 74-242,129, FILED 2-3-1992.

ELISSA ROSENBURGH, EXAMINING ATTOR-
NEY

256171



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 14, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,764,183 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 13, 1993*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *April 13, 2003*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

Registrant

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



A handwritten signature in cursive script, appearing to read "P. Swain", is written over the printed name.

P. SWAIN
Certifying Officer

Int. Cl.: 9

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,338,571

Registered May 28, 1985

TRADEMARK
SUPPLEMENTAL REGISTER

ACOUSTIC WAVE

BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 01701

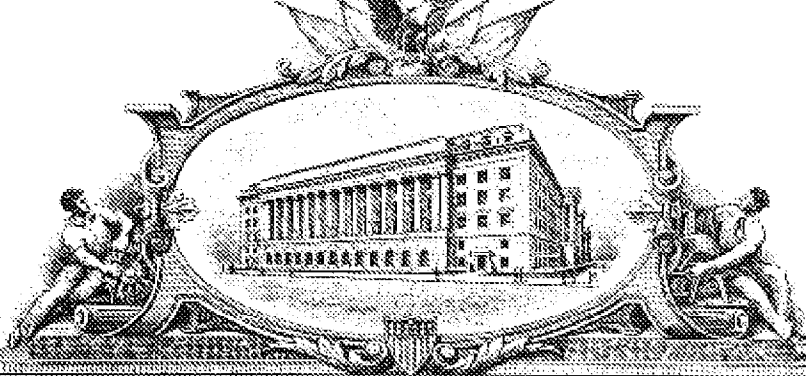
FOR: LOUDSPEAKER SYSTEMS, IN CLASS 9
(U.S. CL. 21).

FIRST USE 2-1-1984; IN COMMERCE
2-1-1984.

SER. NO. 477,755, FILED P.R. 4-30-1984; A.M.
S.R. 3-18-1985.

JOHN CURTIN, EXAMINING ATTORNEY

756171



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 17, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,338,571 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *May 28, 1982*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *May 28, 2002*

SECTION 8

SAID RECORDS SHOW TITLE TO BE IN:

REGISTRANT

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



Trudie Wallace
TRUDIE WALLACE
Certifying Officer

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,493,186

Registered Sep. 25, 2001

**TRADEMARK
PRINCIPAL REGISTER**

WAVESYNC

BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 017019168

FOR: RADIO CONTROLLERS, NAMELY, CONTROLLERS FOR REMOTELY ESTABLISHING PRE-DETERMINED SETTINGS IN RADIOS IN ROOMS HAVING OCCUPANTS FREQUENTLY CHANGED, SUCH AS HOTEL ROOMS, SOLD THROUGH CHANNELS INCLUDING THOSE SELLING TO RENTERS OF SUCH ROOMS, SUCH AS HOTELS FOR THE PURPOSE OF CLEARING SETTINGS IN

RADIOS SET BY OCCUPANTS WHO HAVE VACATED THE ROOMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

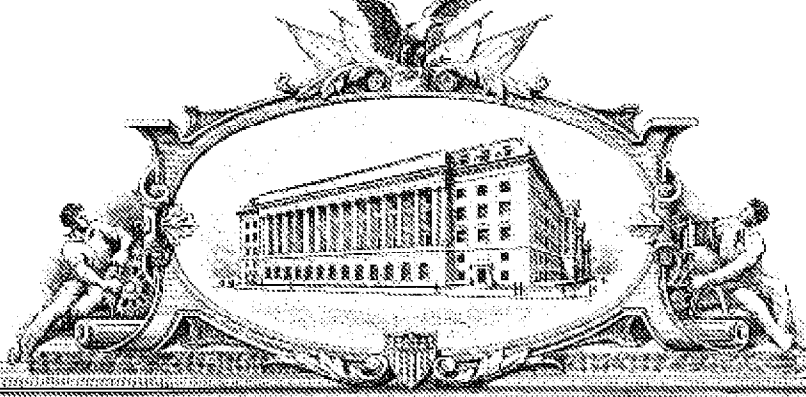
FIRST USE 9-0-1999; IN COMMERCE 9-0-1999.

OWNER OF U.S. REG. NOS. 63,760, 1,764,183, AND OTHERS.

SN 75-683,367, FILED 4-15-1999.

MICHAEL WEBSTER, EXAMINING ATTORNEY

VEG171



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 16, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,493,186 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 25, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



W. Montgomery
W. MONTGOMERY
Certifying Officer

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,552,385

Registered Mar. 26, 2002

**TRADEMARK
PRINCIPAL REGISTER**

WAVE/PC

BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN ROAD
FRAMINGHAM, MA 01701

THE RADIO AND THE COMPUTER, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-9-2000; IN COMMERCE 11-9-2000.

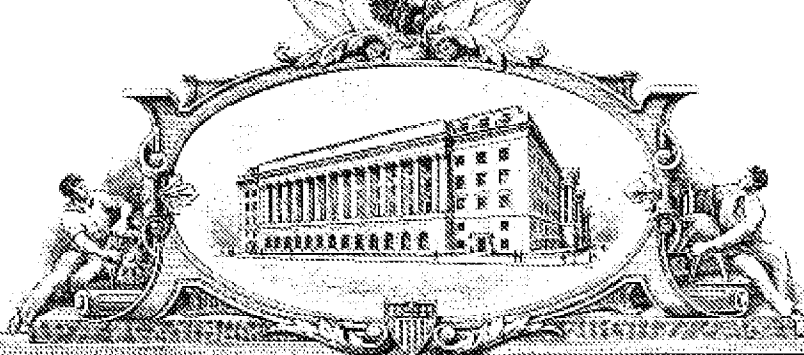
FOR: SOUND REPRODUCING SYSTEM COM-
PRISED OF A RADIO, ELECTRONIC INTERFACE
FOR COUPLING THE RADIO TO A COMPUTER,
AND COMPUTER SOFTWARE FOR CONTROL-
LING THE SIGNAL TRANSMISSION BETWEEN

OWNER OF U.S. REG. NO. 1,633,789.

SER. NO. 76-224,252, FILED 3-13-2001.

RUSS HERMAN, EXAMINING ATTORNEY

786171



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 15, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,552,385 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *March 26, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



W. Montgomery
W. MONTGOMERY
Certifying Officer